

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

UNITED STATES OF AMERICA,

Plaintiff,

v.

**LOUIS DANIELSON and COURTNEY
JACKSON,**

Defendants.

2009-MJ-0014

**TO: Evan Rikhye, Esq., AUSA
Lydia Logie-Moolenaar, Esq.
Martial A. Webster, Sr., Esq.**

ORDER DENYING GOVERNMENT'S MOTION TO DETAIN

THIS MATTER came before the Court on April 3, 2009, for hearing upon the government's oral motion to detain Defendants pending trial. The government was represented by Evan Rikhye, Esq., AUSA. Lydia Logie Moolenaar, Esq., appeared on behalf of Defendant Louis Danielson, and Martial A. Webster, Sr., Esq., appeared on behalf of Defendant Courtney Jackson. Defendants also were present.

I. Authorization for Detention Hearing

18 U.S.C. § 3142(f) allows such hearing in a case where the defendant is charged with "an offense for which a maximum term of imprisonment of ten years or more is prescribed

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in the Controlled Substances Act.” Defendants are charged with, in addition to other counts, conspiracy to possess with intent to distribute a controlled substance in violation of 21 U.S.C. § 846.

II. Consideration of Detention

Title 18 U.S.C. § 3142(e) authorizes the Court to detain a defendant unless the Court finds that there exists a “condition or combination of conditions [that] will reasonably assure the appearance of the persons as required and the safety of any other person and the community.” Section 3142(g) enumerates factors to be considered:

(1) whether the offense is a crime of violence or involves a narcotic drug;

(2) the weight of the evidence against the person;

(3) the history and characteristics of the person, including whether, at the time of the current offense or arrest, defendant was on probation, or parole from a prior offense;

(4) the nature and seriousness of the danger to any person or the community that would be posed by the person’s release.

The Court notes that Defendants are charged with offenses involving a narcotic drug. However, Defendants have no prior convictions nor documented violent tendencies. Moreover, Defendants have ties to this jurisdiction and have offered friends and family as third-party custodians, as well as property as security.

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Accordingly, the Court finds that there are conditions which would reasonably ensure the safety of any other person or the community and the appearance of Defendants as required.

WHEREFORE, it is hereby **ORDERED**:

1. The government's motion to detain Defendants is **DENIED**.
2. Defendant Louis Danielson may be released into the custody of Helen Danielson, upon compliance with the Order Setting Conditions of Release filed separately.
3. Defendant Courtney Jackson may be released into the custody of Jerilyn Abraham, upon compliance with the Order Setting Conditions of Release filed separately.

ENTER:

Dated: April 3, 2009

/s/ George W. Cannon, Jr.
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE